

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

STATE OF TEXAS, *et al.*,

*Plaintiffs,*

v.

Civil Action No. 6:23-cv-00013

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, *et al.*,

*Defendants.*

**JOINT MOTION TO ENTER PROPOSED BRIEFING SCHEDULE**

The parties respectfully request that the Court enter a stipulated schedule for briefing dispositive cross-motions. A proposed order will be submitted separately.

Plaintiffs commenced this action on February 9, 2023, *see* ECF No. 1, challenging the Bureau of Alcohol, Tobacco, Firearms and Explosives' *Factoring Criteria for Firearms With Attached "Stabilizing Braces,"* 88 Fed. Reg. 6,478 (Jan. 31, 2023). A month later, plaintiffs moved for a preliminary injunction, *see* ECF No. 16, which the Court granted in part and denied in part on October 27, *see* ECF No. 80.

The parties have since conferred about next steps in this matter and have agreed to request that the Court adopt the following deadlines for briefing dispositive cross-motions:

- On or before December 1, 2023, plaintiffs will file a motion for summary judgment;
- On or before January 12, 2024, defendants will file a combined opposition to plaintiffs' motion and cross-motion to dismiss and for summary judgment;
- On or before February 12, 2024, plaintiffs will file a combined reply in support of their motion and opposition to defendants' motion;
- On or before March 4, 2024, defendants will file a reply in support of their motion.

Furthermore, because their motions will present numerous complex issues, the parties believe that additional words in excess of the limits imposed under this Court's rules will be necessary to enable each side to fully develop and present their respective arguments for the Court. The parties therefore respectfully request that the Court allow plaintiffs up to 15,000 words for their opening brief and 10,000 words for their second brief, and allow defendants up to 20,000 words for their opening brief and 5,000 words for their second brief.

The parties appreciate the Court's consideration and respectfully request entry of their proposed order.

Dated: November 10, 2023

/s/ Stephen D. Stamboulih  
STEPHEN D. STAMBOULIEH\*  
Mississippi Bar No. 102784  
Southern District of Texas No. 3554925  
Stamboulih Law, PLLC  
P.O. Box 428  
Olive Branch, MS 38654  
(601) 852-3440  
[stephen@sdslaw.us](mailto:stephen@sdslaw.us)

ANTHONY R. NAPOLITANO\*  
Arizona Bar No. 034586  
Southern District of Texas No. 3837680  
Bergin, Frakes, Smalley & Oberholtzer, PLLC  
4343 E. Camelback Road, Suite 210  
Phoenix, Arizona 85018  
(602) 848-5449  
[anapolitano@bfsolaw.com](mailto:anapolitano@bfsolaw.com)

GILBERT J. AMBLER\*  
Virginia Bar No. 94325  
Southern District of Texas No. 3834055  
20 S. Braddock St  
Winchester, VA 22601  
(540) 550-4236  
[gilbert@amblerlawoffices.com](mailto:gilbert@amblerlawoffices.com)

\*Counsel for Plaintiffs Brady Brown, Gun Owners of America, Inc., and Gun Owners Foundation

Respectfully submitted,

KEN PAXTON\*\*  
Attorney General of Texas  
  
BRET WEBSTER\*\*  
First Assistant Attorney General  
  
RALPH MOLINA\*\*  
Deputy Attorney General for Legal Strategy

/s/ Charles K. Eldred  
CHARLES K. ELDRED\*\*  
Chief, Legal Strategy Division  
Texas Bar No. 00793681  
Southern District of Texas No. 20772  
  
CHRISTINA CELLA\*\*  
Special Counsel, Legal Strategy Division  
Texas Bar No. 24106199  
Southern District of Texas No. 3355870

OFFICE OF THE ATTORNEY GENERAL  
OF TEXAS  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 936-1700  
[Charles.Eldred@oag.texas.gov](mailto:Charles.Eldred@oag.texas.gov)  
[Christina.Cella@oag.texas.gov](mailto:Christina.Cella@oag.texas.gov)

\*\*Counsel for Plaintiff State of Texas

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN  
Assistant Branch Director

/s/ Jody D. Lowenstein  
JODY D. LOWENSTEIN (MT Bar No. 55816869)  
MICHAEL DREZNER (VA Bar No. 83836)  
TAYLOR PITZ (CA Bar No. 332080)  
FAITH E. LOWRY (TX Bar No. 24099560)  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
Phone: (202) 598-9280  
Email: jody.d.lowenstein@usdoj.gov

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On November 10, 2023, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein  
JODY D. LOWENSTEIN  
Trial Attorney  
U.S. Department of Justice